

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 3531 of 2005

Between:

Kalanadhabhatla Jagannadha Rao, S/o Reddi Avadhanulu,
R/o Kakinada.

..... PETITIONER

AND

1 High Court of Andhra Pradesh, Hyderabad,

rep. by its Registrar (Administration).

2 The District and Sessions Judge, East Godavari District at

Rajahmundry.

3 The VII Additional District Judge, (Fast Track Court), Kakinada.

4 Government of Andhra Pradesh, rep. by its Secretary, Finance &

Planning Department at Secretariat, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the Order dt. 5-11-2004 in Roc.No. 78/2004-C (1) on the file of the first respondent and the Order dt. 2-5-2003 on the file of the 2nd Respondent, as illegal, arbitrary and without jurisdiction; Award costs and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents 1 to 3.: SMT.M.BHASKARA LAKSHMI (SC FOR

APHC)

Counsel for Respondent No.4: G.P. for Finance and Planning

The Court at the stage of admission made the following :

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ORAL ORDER: (per the Hon'ble the Chief Justice)

In a writ petition to which the petitioner was also one of the petitioners, on an interim application filed, allowances were paid to him and others towards bad climate allowance. The writ petition was ultimately dismissed on the ground that the petitioners are not entitled to such allowance. While disposing of the writ petition, no orders were made by the Bench as to whether the amount paid by way of interim relief under the interim orders of this Court would be recovered from those to whom it has been paid. The petitioner though had retired on the day when the writ petition was decided by the Division Bench but being a party to the said writ petition was bound by such orders. Consequently, recovery was sought to be effected and the petitioner has questioned the said order in a writ petition, which was disposed of with liberty reserved to the petitioner to file an appeal on administrative side and the said appeal was also dismissed.

Grievance of the petitioner is that since there is severance of employee and employer relationship, recovery cannot be made from him of the amount which was paid to him pursuant to the interim orders of the Court in the writ petition though the

writ petition was dismissed. Such submission has no force at all inasmuch as the payments made under the interim orders are always subject to the result of the writ petition. The writ petition having been dismissed without any relief that the amount already paid need not be recovered, there is no merit in the submission that after retirement, the amount cannot be recovered from the petitioner. The writ petition is accordingly dismissed.

DEVINDER GUPTA, CJ

Dated 28..02..2005

B.SESHASAYANA REDDY

msv

To

1 The Registrar (Administration).
High Court of Andhra Pradesh, Hyderabad,

2 The District and Sessions Judge, East Godavari District at
Rajahmundry.

3 The VII Additional District Judge, (Fast Track Court), Kakinada.

4 The Secretary, Finance & Planning Department at Secretariat

Government of Andhra Pradesh , Hyderabad.

5 2 CCs to G.P. for Finance & Planning, High Court of A,P. Hyd.

6 2 CD copies.

7. The Section Officer, C Section, High Court of A.P. Hyderabad